WP(C) 284/2007
BEFORE
THE HON'BLE MR. JUSTICE D.BISWAS, CHIEF JUSTICE(ACTING)
THE HON'BLE MR. JUSTICE HRISKHIKESH ROY

Heard Mr B Pathak, learned counsel for the petitioner and Mr. UK Nair, learned counsel for the respondents.

This writ petition is directed against the order dated 21.12.2006 passed by the learned Central Administrative Tribunal, Gauhati Bench, Guwahati in O.A. No. 223/2006.

The petitioner has been working as Chief Law Assistant in the N.F. Railway and posted at Rangia. On his transfer from Rangia to Tinsukia by the order dated 5.7.2006, he filed an application before the learned Tribunal. The learned Tribunal rejected the application by the impugned order. The reasons relied upon by the learned Tribunal, amongst others, are reflected in the following two paragraphs of the impugned order :-

6. I have given due consideration to the arguments, pleadings and materials placed on record. The Applicant is permitted to continue in the post for 17 years from the date of joining and this transfer order was issued after 17 years since he is one of the seniormost and experienced hand. From the evidence and material placed on record it is clear that nothing is forthcoming to bring the malafideness on the part of the 6th Respondent with reference to the Applicant's transfer and it is also evident that it was not manipulated to accommodate the 6th Respondent. Therefore, the contention of the Applicant that the transfer order is hit by malafideness will not stand in its legs.

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11. Therefore, I am of the considered view that the Respondents are correct in holding that there is exigency of service/ strong reasons in transferring the Applicant to Tinsukia, which will probably help the Department to rescue the situation in dealing with the complicated legal matters, which he should accept as a honour conferred on the Applicant instead of pleading malafide etc. on no grounds and hence, I do not find any reason to interfere in the transfer order. .

There is no dispute that the petitioner has been working in his present place of posting for the last 17 years. The Tribunal also considered that the petitioner has been transferred in public interest and on exigency of service. The transfer guidelines as is available from the letter dated 6th July, 1978 provides that transfer of Scheduled Caste and Scheduled Tribe employees shall be confined to their native districts or adjoining districts of the places where the Administration can provide quarters, subject to exigencies of service. In the given case, the petitioner has been selected to serve at Tinsukia to deal with complicated legal matters. This is in exigency of service. The learned Tribunal after taking into consideration all these factors declined to interfere with the order of transfer.

We do not find any infirmity in the order passed by the learned Tribunal. The writ petition, in our opinion, is devoid of merit and, hence, dismissed